

FILED
2017 AUG 10 P 2:56

2017 AUG 10 P 2:56

CLERK OF DISTRICT COURT
DISTRICT OF NEVADA

DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff(s),

v.

JUSTIN BROWN,

Defendant(s).

Case No. 2:17-cr-00058-JCM-VCF

ORDER

(Docket No. 34)

On June 8, 2017, Defendant filed a notice of assertion of right regarding shackling. Docket No. 33. The notice relates to the issuance of the *en banc* decision in *United States v. Sanchez-Gomez*, 859 F.3d 649 (9th Cir. 2017). On June 13, 2017, the Government moved to strike that notice, arguing that it mischaracterizes the Ninth Circuit's decision. Docket No. 34. These filings are not tethered to any particular hearing, shackling request, or shackling determination. There is no live justiciable dispute before the Court.

//

//

Accordingly, the motion to strike is **DENIED** without prejudice to the parties addressing the issues at an appropriate time if necessary.

IT IS SO ORDERED

Dated: August 10, 2017



CAM FERENBACH
United States Magistrate Judge